

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-RWZ
)
THIS DOCUMENT RELATES TO:)
)
ALL CASES.)
)

**PLAINTIFFS' STEERING COMMITTEE'S AMENDED MOTION
TO SCHEDULE ORAL ARGUMENT ON CERTAIN MOTIONS FOR
STATUS CONFERENCE ON DECEMBER 4, 2014¹**

The Plaintiffs' Steering Committee ("PSC") hereby moves the Court to schedule the following motions for oral argument during the status conference to be held on December 4, 2014 at 11:30 a.m.:²

1. PSC's Motion to Compel the St. Thomas Entities to Respond to Certain Interrogatories [Doc. 1549].³
 - a. PSC's Memorandum in Support [Doc. 1550]
 - b. PSC's Notice of Filing of Declaration [Doc. 1551]
 - c. PSC's Declaration [Doc. 1552]
 - d. PSC's Corrected Declaration [Doc. 1555]
2. Encino Outpatient Surgery Center, Inc. Motion to Dismiss for Lack of Jurisdiction and Insufficient Service of Process [1:14-cv-12884, *Luna-Wynstock* Doc. 22].

¹ This amended motion is filed in lieu of the original motion [Doc. 1562] in order to remove Liberty Industries' Offer of Judgment [Doc. 1394] from the list of motions being scheduled for oral argument on December 4, 2014.

² The Court has already scheduled PSC's Motion to Compel Production of Insurance Agreements for oral argument at a status conference before the Hon. Jennifer C. Boal, United State Magistrate Judge, on December 4, 2014 at 11:30 a.m. See Doc. 1468 (PSC's Motion to Compel Production of Insurance Agreements), Doc. 1469 (PSC's Memorandum in Support), Doc. 1470 (PSC's Declaration), Doc. 1494 (St. Thomas Entities' Response in Opposition), and Doc. 1506 (setting matter for oral argument).

³ The St. Thomas Entities' Memorandum in Opposition is scheduled to be filed no later than December 3, 2014, and the St. Thomas Entities have objected to this matter being scheduled for oral argument on December 4, 2014.

- a. Plaintiff's Opposition [*Luna-Wynstock* Doc. 30]
- b. Encino Reply [*Luna-Wynstock* Doc. 33]

3. Jeffrey B. Glaser, M.D. and Jeffrey B. Glaser, M.D., Medical Corporation d/b/a Glaser Pain Institute's Motion to Dismiss [*Luna-Wynstock* Doc. 27, 28, 29].

- a. Plaintiff's Opposition [*Luna-Wynstock* Doc. 34]
- b. Jeffrey B. Glaser, M.D. and Jeffrey B. Glaser, M.D., Medical Corporation d/b/a Glaser Pain Institute's Reply [*Luna-Wynstock* Doc. 36]
- c. Plaintiffs' Sur-Reply [*Luna-Wynstock* Doc. 37]

4. Motion for Summary Judgment by Hahnemann University Hospital, Pain Care Professionals-Pain Center at Hahnemann, Tenent Healthsystem Hahnemann, LLC [1:14-cv-10434, *King* Doc. 16].

- a. Plaintiff's Response in Opposition to Motion for Summary Judgment [*King* Doc. 21]
- b. Letter/request (non-motion) from Plaintiff Norma King for extension of time to secure new counsel [*King* Doc. 26]

WHEREFORE, the Plaintiffs' Steering Committee hereby moves the Court to enter the attached Order.

Dated: November 25, 2014

RESPECTFULLY SUBMITTED,

/s/ Patrick T. Fennell
Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: 540/342-2000
Facsimile: 540/400-0616
pfennell@crandalllaw.com

Plaintiffs' Steering Committee

Thomas M. Sobol
Kristen Johnson
Edward Notargiacomo
HAGENS BERMAN SOBOL SHAPIRO, LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: 617/482-3700
Facsimile: 617/482-3003
tom@hbsslaw.com
kristenjp@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415/956-1000
Facsimile: 415/956-1008
ecabraser@lchb.com
mchalos@lchb.com

Federal/State Liaison

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: 248/557-1688
Facsimile: 248/557-6344
marc@liptonlaw.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Avenue, Suite 365
Boston, MA 02116
Telephone: 617/933-1265
kdougherty@myadvocates.com

Mark Zamora

ZAMORA FIRM
5 Concourse Parkway, # 2600
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223
mark@markzamora.com

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSTETTER, STRANCH &
JENNINGS, PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: 615/254-8801
Facsimile: 615/255-5419
gerards@branstetterlaw.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Patrick T. Fennell, hereby certify that I caused a copy of the above *Plaintiffs' Steering Committee's Amended Motion to Schedule Oral Argument on Certain Motions for Status Conference on December 4, 2014*, to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access this filing through the Court's system, and notice of this filing will be sent to those parties by operation of the Court's CM/ECF system.

Dated: November 25, 2014

/s/Patrick T. Fennell
Patrick T. Fennell, VSB 40393